

REMARKS

Formal Matters

In the specification, various paragraphs have been amended to correct minor editorial problems, including the notation of trademarks. Pursuant to the Examiner's suggestion, the paragraph describing the prior information has been amended to indicate that the present application is a division of the parent application, U.S.S.N. 09/383,667, now U.S.P. 6,624,295.

Claims 23-42 remain in this application. Claims 1-22 were previously canceled. Claim 23 is amended and no new claims have been added. The Examiner has acknowledged that claims 23-26, 32, 33, 36 and 37 are directed to allowable subject matter. No new matter is added by the amendments.

Support for the amendments is found at least at page 21, lines 23-29.

In view of the Examiner's earlier restriction requirements in the parent application, U.S.S.N. 09/383,667, Applicants retain the right to present the subject matter of withdrawn claims in a divisional application.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 23-42 are rejected under 35 U.S.C. § 112, second paragraph allegedly as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Specifically, the Examiner has asserted that the inclusion of the term "lc" in the designation of "lcCDR1", "lcCDR2" and "lcCDR3" is unclear.

In response, while Applicants do not agree that this designation is unclear in that it designates the light chains CDRs distinctly from the heavy chain CDRs, in the interest of expediting prosecution, Applicants have removed the offending language from the claim.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 27 and 38 are rejected under 35 U.S.C. § 112, First Paragraph, allegedly for containing subject matter that is not described to reasonably convey to one skilled that Applicants had possession of the claimed invention.

Specifically, the Examiner has objected to the use of the term “thrombolytic agent” in that it is an attempt to define a genus solely on the basis of a desired biological property. The Examiner further asserts that “a description of what a material does, rather than what it is” is insufficient.

In response, Applicants respectfully disagree with the Examiner’s characterization. Contrary to the Examiner’s characterization, as described at page 49, lines 18-31, the term “thrombolytic agent” has a well known description of a class of therapeutic compounds that results in “the prevention of reformation of an occluding thrombus”. As demonstrated in “Harrison’s Advances in Cardiology,” McGraw Hill pages 168-169 and “Braunwald’s Heart Disease”, 7th Ed. Pages 2085-2086, submitted on the enclosed supplemental Information Disclosure Statement, this term is descriptive of the class of compounds that have a common mechanism of action that convert inactive plasminogen into the active enzyme plasmin, an enzyme which degrades both fibrinogen and fibrin, a primary component of the thrombus or blood clot. Thus contrary to the Examiner’s assertion, this term is indeed descriptive of a therapeutic class of compounds having a common mechanism of action. Applicants further note for the record that the objected to term defines an adjuvant to the claimed antibodies, rather than being the primary subject matter that is claimed.

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 27 and 38 under 35 U.S.C. § 112, First Paragraph.

SUMMARY

Claims 23-42 are pending in the application.

If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and petition for a One (1)-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
GENENTECH, INC.

By: 

Craig G. Svoboda
Reg. No. 39,044
Telephone No. (650) 225-1489

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